IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO.8 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/02/2003 in WP No.6556 of 2002 on the file of the High Court.)

Between:

1 Gujju Tata Rao, S/o.Latchayya R/o.D.No.58-10-10, Near Ramulavari Temple, Karasa, Marripalem, Visakhapatnam.
2 Gujju Someswara Reddy, S/o.Nookyya
R/o.D.No.65-1-2/B, Sriharipuram, Visakhapatnam
Visakhapatnam District.
3 Gujju Venkateswarlu, S/o.Nookayya, R/o.D.No.27-51-5, Balacheruvu Road, Pedagantyada
Visakhapatnam
4 Gujju Appa Rao, S/o.Pydayya R/o.D.No.66-1-6-A, Pilakavanipalem, Malkapuram Post
Visakhapatnam.
5 Gujju Nagabhushanam, S/o.Chinna Appanna @ Nagi Reddy
R/o.D.No.314/C, Sector-II, Ukkunagaram, Visakhapatnam-32.
6 Gujju Pedda Appa Rao S/o.late Bangaraiah
R/o.D.No.38-21-33, 104 area, Old Kancharapalem
Visakhapatnam-12,
7 Gujju Chinna Appa Rao S/o.late Bangaraiah R/o.D.No.38-21-33, 104 area, Old Kancharapalem
Visakhapatnam-12,
8 G.Chinnamma D/o.late Bangaraiah R/o.D.No.50-70-2, Karasa, Marripalem, Visakhapatnam.
9 Gujju Yellayamma D/o.late Bangaraiah R/o.D.No.50-70-2,
Karasa Marripalem, Visakhapatnam.

10 Gujju Yellaiah, s/o.late Somulu, R/o.D.No.38-21-30, 104 Area, Old Kancharapalem Police Station, Visakhapatnam
11 Gujju Appala Reddy, s/o.late Somulu, R/o.D.No.38-21-30, 104 Area, Old Kancharapalem, Visakhapatnam
12 Gujju Atchayyamma, D/o.late Yellaiah, R/o.D.No.231/1/4 Chukkodipalem, Visakhapatnam
13 Gujju Ramanamma, W/o.Sankara Rao, R/o.D.No.36-68-8/1, Near Rama temple, Reddikancharapalem, Visakhapatnam

..... APPELLANTS

AND

1 The Special Deputy Collector(LA) NTPC Unit-II Visakhapatnam.
2 The Special Tahsildar(LA) FAC, Revenue Division Visakhapatnam.
3 Gujju Appa Rao, S/o.Nookayya R/o.Peddagantyada, Visakhapatnam.
4 Gujju Atcheyya Reddy, S/o.Nookayya R/o.D.No.12-3-119, Ganeshnagar Lane, Sriharipuram
Visakhapatnam.
5 Gujju Yellaiah, S/o.late Bangaraiah R/o.D.No.36-21-31, 104 Area, Marripalem, Visakhapatnam-11.
6 Gujju Chinna Appa Rao, S/o.late Bangaraiah R/o.D.No.36-21-31, 104 Area, Marripalem, Visakhapatnam-11.
7 Gujju Appa Rao, S/o.late Somulu R/o.D.No.36-21-31, 104 Area, Old Police Station,
Kancharapalem, Visakhapatnam-16.
8 Gujju Appa Rao, S/o.late Yellaiah R/o.D.No.231/1/4, Chukkodupalem, Visakhapatnam.
9 R.Dhanalakshmi, Grand daughter of late Yellaiah R/o.D.No.231/1/4, Chukkodupalem, Visakhapatnam.
10 Gujju Pagayamma, W/o.Manikyam R/o.D.No.36-68-8/1, Reddikancharapalem, Visakhapatnam.
11 Puli (Gujju)Venkatalakshmi W/o.Narasing Rao R/o.D.No.36-68-8/1, Reddikancharapalem, Visakhapatnam.
12 Seerapu Neelaveni W/o.Naidu R/o.D.No.58-31-43, Kakaninagar, NAD post, Visakhapatnam.
13 Gujju Appa Rao, S/o.late Kannaiah R/o.D.No.51-2-18, Nakkavanipalem, Visakhapatnam.
14 Gujju Thotaiah, S/o.late Kannaiah R/o.Marripalem, Visakhapatnam.
15 Gujju Pydamma, D/o.Tata, R/o.Marripalem, Visakhapatnam.
(Respondents 3 to 15 are not necessary parties)

.....RESPONDENTS

Counsel for the Appellants : Sri S.LAKSHMINARAYANA REDDY

Counsel for the Respondent Nos.1 & 2.: GP FOR LAND ACQUISITION

The Court made the following :

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

Writ Petition was dismissed on the grounds of delay and laches. Petitioners – appellants approached this Court in the year 2002 seeking relief that compensation amount as per the Award No.2 of 1963 dated 21-01-1963 be paid to them as legal heirs of the original land owners whose land was acquired by the Government for public purpose.

A counter-affidavit was filed by the Special Tahsildar and Authorised Officer, Land Reforms, Visakhapatnam, stating that after the award was passed, amount of compensation was paid to the rightful claimants after serving notice under Section 12(2) of the Land Acquisition Act, 1894. It was specifically stated that insofar as Award No.2 of 1963 is concerned, the compensation in respect of an extent of Ac.19-21 cents including structures thereon was paid and after the amount of compensation was paid to original land owners pursuant to service of notice under Section 12 (2) of the Act, the office of first respondent was closed in the year 1969. Learned single Judge had dismissed the writ petition on the grounds of delay and laches. We find no substance in the appeal and it is hereby dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

19-01-2005

bsc

.....REGISTRAR

To

1 The Special Deputy Collector(LA) NTPC Unit-II Visakhapatnam.
2 The Special Tahsildar(LA) FAC, Revenue Division Visakhapatnam.
3. 2 CCs to Govt. Pleader for Land Acquisition, High Court buildings, Hyderabad (OUT)

4. 2 CD copies